

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

Allan Chiocca,

Plaintiff

v.

**The Town of Rockland, Deirdre Hall,
Edward Kimball, Larry Ryan,
Michael Mullen Jr., Michael O’Loughlin,
Richard Penney and Kara Nyman,**

Defendants

C.A. No. 1:19-cv-10482-WGY

JOINT STATUS REPORT

Counsel for the parties in the above-captioned case have conferred about how scheduling and discovery in this case should proceed. The parties hereby respectfully submit their joint status report and seek a modification of the scheduling plan as set forth herein. Specifically, the Plaintiff, Allan Chiocca and the Defendants, the Town of Rockland, Larry Ryan, Michael Mullen Jr., Michael O’Loughlin, Richard Penney and Kara Nyman, as well as Defendants and Counter-Claim Plaintiffs Deirdre Hall and Edward Kimball (collectively hereinafter the “Parties”), hereby state and propose the following:

1. On May 27, 2020, the Parties submitted an amended joint scheduling plan upon expiration of the stay requested by Deirdre Hall and due to disruptions caused by the COVID-19 global pandemic. (Doc. 103). The amended joint scheduling plan was adopted and approved by the Court on May 28, 2020. (Doc. 105). The Parties’ submitted another joint status report on August 24, 2020. (Doc. 108).
2. With some supplementation remaining to be completed, the Parties have substantially complied with their discovery obligations related to requests for

document production or interrogatories identified in the amended joint scheduling plan, and the Parties continue to engage in written discovery. No statements in this status report are intended to limit the parties' ability to serve further requests for written discovery throughout the remainder of the discovery period.

3. The Parties continue to confer with each other with respect to additional discovery that does not require or is not predicated upon in-person depositions, as well as remaining discovery matters that may require the Court's attention.
4. The Parties remain in agreement that, in light of the allegations, defenses and counter-claims in this case, remote depositions of Parties or other key witnesses are not appropriate and may prejudice the interests of the Parties.
5. The Parties acknowledge that various witnesses and counsel in this case are among those individuals particularly vulnerable to COVID-19, and therefore, in person depositions would currently pose a significant health risk.
6. Consistent with safe practices, the health needs of witnesses, counsel, and parties and Ms. Hall's potential need for reasonable accommodations, if any one of the Parties believes that they can conduct a particular deposition remotely, they will propose doing so to the other Parties, who will meet and confer as to feasibility. Such depositions can, if agreed upon, begin immediately. Mr. Chiocca has noticed a remote deposition of Defendant Larry Ryan which is scheduled to occur on December 17, 2020. Mr. Chiocca also anticipates being able to conduct additional remote depositions in the coming months.

7. The Parties believe that the following revised schedule, modifying current deadlines by 4 months, will be feasible, provided that in person depositions can safely resume by April 7, 2021.
8. Proposed Revised Tracking Order:
 - a. Discovery would conclude by July 19, 2021;
 - b. Expert Reports would be due August 9, 2021;
 - c. Rebuttal Reports would be due September 6, 2021;
 - d. Dispositive Motions would be filed by September 24, 2021 with oppositions filed on October 25, 2021;
 - e. Expert Depositions would be completed by November 1, 2021;
 - f. Trial Date would be January 2022.
9. The parties further agree to meet and confer in March 2021 to determine if it is feasible to safely begin in person depositions. The Parties will submit a further Status Report on or before March 24, 2021 to inform the Court of the status.

WHEREFORE, the undersigned Plaintiff, Allan Chiocca and the Defendants, The Town of Rockland, Deirdre Hall, Edward Kimball, Larry Ryan, Michael Mullen Jr., Michael O'Loughlin, Richard Penney and Kara Nyman, by and through their attorneys, jointly propose this revised Amended Scheduling Plan and request that it be made an order of this Court.

PLAINTIFF, ALLAN CHIOCCA By: <u>/s/ Adam J. Shafran</u> Adam J. Shafran (B.B.O. # 670460) Jonathon D. Friedmann (B.B.O. # 180130) Rudolph Friedmann LLP 92 State Street Boston, MA 02109 Phone: 617-723-7700 Fax: 617-227-0313 ashafran@rflawyers.com jfriedmann@rflawyers.com	DEFENDANT, DEIRDRE HALL By <u>/s/ Cindy M. Cieslak</u> Cindy M. Cieslak (B.B.O. # 685498) Michael J. Rose Robin B. Kallor Rose Kallor, LLP 750 Main Street, Suite 1108-3 Hartford, CT 06103 Phone (860) 361-7999 Fax (860) 270-0710 ccieslak@rosekallor.com mrose@rosekallor.com rkallor@rosekallor.com
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CERTIFICATION

I hereby certify that a copy of the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants and that a paper copy shall be served upon those indicated as non-registered participants on November 24, 2020.

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